

located in Meredith, New Hampshire, with 15 or more employees..

3. Defendant Andrew F. Button is the owner and CEO of Annalee Dolls.

JURISDICTION, VENUE AND ADMINISTRATIVE EXHAUSTION

4. This action is brought pursuant to this Court's federal jurisdiction under 28 U.S.C. §1331 and 42§ 2000e-5(f) (3), and its supplemental jurisdiction over state law claims pursuant to 28 U.S.C. §1367(a).

5. Venue is proper in this District because the unlawful employment practices occurred herein. 42 U.S.C. §2000e-5(f) (3).

6. Plaintiff timely filed a Charge of Discrimination with the New Hampshire Commissioner for Human Rights and the Equal Employment Opportunity Commission on or about May 6, 2019 against Defendant Annalee, and a retaliation claim on or about October 14, 2021 against both Defendants.

7. The Commission found probable cause to believe the defendants discriminated against and retaliated against the Plaintiff, and that Button aided and abetted.

8. Defendants removed Plaintiff's Charge of Discrimination to Belknap County Superior Court.

9. Plaintiff requested and received a Right to Sue Letter from the EEOC on June 3, 2022.

FACTS COMMON TO ALL COUNTS

10. Plaintiff began her employment with Annalee Dolls in June of 2016 as a bookkeeper.

11. Her work was excellent.

12. Since the beginning of June, 2018, Button sexually harassed the Plaintiff

including the following acts:

- A. Sending her suggestive emails;
- B. Asking her if she would consider having sex with him;
- C. Making comments about her being sexually attractive;
- D. Taunting her for not going out with him;
- E. Walking into her office with an obvious erection;
- F. Making sexual comments about the Plaintiff and her husband;
- G. Following her outside of work.

13. The Plaintiff made clear to him that these acts were unwelcome.

14. Plaintiff filed a Charge of Discrimination with the New Hampshire Commission for Human Rights and the EEOC.

15. On or about October 4, 2021, Button emailed the Plaintiff as follows:

Rosie, you made a claim to Dick that hearings are
forthcoming this year in your claim against Annalee,
that's not truthful. Our attorney has spoken to the
Investigator and not only are you being untruthful, but
he has 18 investigations to complete before he even looks
at your Complaint. Could be a year before he even looks at it.
On TOP of all that, the investigator indicated he's asked for your
response to our response for 25 months!!! I'm requesting your
resignation. Andrew.

16. He sent this email after receiving Plaintiff's rebuttal submitted to the New Hampshire Commission for Human rights.

17. The Plaintiff emailed a response back to him on October 5:

I have forwarded your email and my response to the

Investigator. I am not resigning. Rosie.

18. Button asked the Plaintiff to go outside with him. She said she wanted a witness.

19. He selected Laura Stairs to be the witness.

20. After they went outside, he told her that she was fired.

21. She asked for the reason, and he refused to give one.

22. He then claimed that she was not fitting in with the Company's CPA, with her direct Manager Jason Ray and with himself.

23. He refused to put these alleged reasons in writing.

24. Plaintiff was fired because of her sexual harassment complaint, and participation in the agency investigation.

25. Defendant's discriminatory and retaliatory acts have caused the Plaintiff serious emotional and financial injury.

COUNT I

Violation of 42 U.S.C. §2000e-2(ca) Against Defendant Annalee.

Discrimination

26. Defendant, through its agent Button, engaged in an unlawful employment practice against the Plaintiff by subjecting her to severe and/or pervasive harassment on account of her sex which created a hostile work environment.

27. Defendant intentionally violated Plaintiff's federally protected rights, or acted in reckless disregard of them.

COUNT II

Supplemental State Claim for Violation of NH RSA 354-A:7(V) Against Defendant Annalee

Discrimination

28. Defendant subjected Plaintiff to sexual harassment on the basis of sex with the effect of unreasonably interfering with her work performance, and creating an intimidating, hostile and offensive work environment.

29. Defendant's actions were willfully undertaken in reckless disregard of the Plaintiff's rights under RSA 354-A.

COUNT III

Violation of 42 U.S.C. 2000(e)-(3) (a) Against Defendant Annalee

Retaliation

30. Defendant Annalee retaliated by firing the Plaintiff for 1) opposing unlawful employment practices, 2) filing a Charge of Discrimination with the New Hampshire Commission for Human Rights, and the EEOC, and 3) participating in the investigation arising out of those charges

31. Defendant intentionally violated Plaintiff's federally protected rights or acted in reckless disregard of them.

COUNT IV

Supplemental State Claim for Violation of RSA 354-A:19

Against Defendants Annalee and Button

32. Defendants discharged the Plaintiff in retaliation for her opposing a practice

prohibited under RSA 354-A, and because she filed a Charge of Discrimination pursuant to RSA 354-A and participated in the investigation of that charge.

33. Defendants' actions were willfully undertaken in reckless disregard of the Plaintiff's rights under RSA 354-A.

COUNT V

Supplemental State Law Claim Against Defendant Button for

Violation of RSA 354-A:2 (XV) (d)

Aiding and Abetting

34. Defendant aided and abetted Annalee in its discriminatory practices of sexual discrimination and retaliation against the plaintiff.

35. Defendant's actions were willfully undertaken in reckless disregard of the Plaintiff's rights under RSA 354-A.

WHEREFORE, Plaintiff respectfully requests:

A. That this Court enter a declaratory judgment that the Defendants' actions against

Plaintiff violate the laws of the United States and State of New Hampshire.

- B. That this Court order Plaintiff to be reinstated;
- C. That this Court award Plaintiff past lost wages including loss of benefits;
- D. That in lieu of reinstatement, this Court award Plaintiff future lost wages and benefits.
- E. That this Court award Plaintiff compensatory damages.
- F. That this Court award Plaintiff Punitive damages.
- G. That this Court award Plaintiff enhanced compensatory damages.
- H. That the Plaintiff be reimbursed for reasonable attorney's fees and expenses;
- I. That the Plaintiff be awarded prejudgment interest;
- J. That she be compensated for any tax loss arising out of this Court's judgment;
- K. That this Court order that the individual Defendant be required to undergo training regarding sexual harassment and other forms of illegal discrimination;
- L. That it grant such other relief as the Court deems just and proper.

PLAINTIFF REQUESTS TRIAL BY JURY.

Respectfully submitted,
Rosemary Homer,
By Her Attorneys:
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Dated: August 1, 2022

/s/ Jon Meyer

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